IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No. 2549 of 2010 and
CWP No. 9072 of 2003 (O&M)

Date of decision: 26.02.2010

The Management, Purusharthi, S.D. Ramleela Kanya Pathshala

..... PETITIONER

VERSUS

State of Punjab and others

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present**:** Mr. R.N.Raina, Advocate,
for the petitioner.

Ms. Monica Chhibbar Sharma, DAG, Punjab,
for respondents No. 1 and 2.

Mr. Pardeep Bajaj, Advocate,
for respondent No. 3.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

The present Miscellaneous Application has been filed for placing on record the Annexures 'A' and 'B', according to which, after the passing of the order by the Schools Tribunal, Punjab- respondent No. 3 was taken back in service. She continued as such and thereafter submitted her resignation on 16.10.1999, which was accepted on 17.10.1999 w.e.f.18.10.1999. As per Annexures 'A' and 'B', respondent No. 3 has given an undertaking in writing that she does not claim her back wages for the period she had not worked with the petitioner-Management.

This was specifically incorporated in the proceedings, which have been duly approved by the District Education Officer, Nabha.

On the basis of these documents, counsel for the petitioner states that the present writ petition has been rendered infructuous as the only question, on which the present writ petition was admitted which was preferred by the petitioner-Management, was for back wages.

Notice of this application was issued to the counsel for respondent No. 3, who had sought time to verify the said facts. He states that he has not been able to contract respondent No. 3.

I have heard the counsel for the parties and have gone through the records of the case specially Annexures 'A' and 'B', which have been filed along with the present application.

A perusal of these documents do indicate what has been stated in the application filed by the Management-petitioner. In view of these two documents, the claim for back wages having been relinquished by respondent No. 3 voluntarily, the present writ petition, therefore, has been rendered infructuous.

The application is allowed.

The main writ petition is dismissed as having been rendered infructuous in the light of the assertions made in the application.

However, liberty is granted to respondent No. 3 to file an application for decision of case on merits if the assertions made by the petitioner in the application as also the documents placed on record are not correct.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 26, 2010
pj